

**§**

On July 25, 2005, the parties filed an *Agreed Motion to Abate* providing that they will abide by the final, non-appealable judgment of the Israeli court as to their respective liability. The terms of their agreement are memorialized in the papers filed with this Court. In light of the agreement, they seek to have this action abated.



Prior to removal, plaintiff posted a cash bond in the amount of \$158,665.00, which sum remains on deposit with the registry of the Houston County state court. The parties now seek to have those funds transferred to the registry of the United States District Court for the Eastern District of Texas to be maintained until the Israeli suit is resolved. At that time, the funds will be distributed in accordance with the judgment of the Israeli court.

## **II. ORDER**

**IT IS THEREFORE ORDERED** that the *Agreed Motion to Abate* [Clerk's Docket No. 49] is **GRANTED**.

**IT IS FURTHER ORDERED** that this case is **ABATED** pending resolution of the proceedings styled *Israel Military Industries, Ltd., v. Micro Assembly Technologies, Ltd.* (Civil File No. 3565/04).

**IT IS FURTHER ORDERED** that the parties are **DIRECTED** to notify this Court upon resolution or settlement of the Israeli suit.

**IT IS FURTHER ORDERED** that district clerk is **DIRECTED** to request that the 3<sup>rd</sup> Judicial District Court of Houston County, Texas transfer to this Court all funds deposited in connection with the cause styled *Donald E. Eberts v. First State Bank, Grapeland, Texas*, Cause No. 04-0061.

**IT IS FURTHER ORDERED** that the district clerk is **DIRECTED** to deposit all funds received from the 3<sup>rd</sup> Judicial District Court of Houston County, Texas into an interest bearing account or instrument.

**IT IS FURTHER ORDERED** that the district clerk is **DIRECTED** to maintain custody of the deposited funds pending further court order.

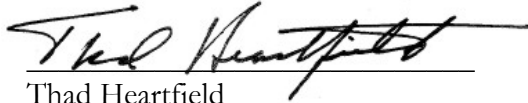
**IT IS FURTHER ORDERED** that all pending motions [Clerk's Docket Nos. 20, 21, 27, 33, 39, 45] are **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that this case **ADMINISTRATIVELY CLOSED**.

**SO ORDERED.**



**SIGNED** this the **27** day of **July, 2005**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge